

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 SIXTY-01 ASSOCIATION OF APARTMENT  
11 OWNERS,

12 v.  
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Plaintiff,

14 PUBLIC SERVICE INSURANCE  
15 COMPANY, *et al.*,

Defendants.

CASE NO. C22-1373-JCC

ORDER

16 This matter comes before the Court on Plaintiff's motions for a protective order (Dkt. No.  
17 198) and to quash (Dkt. No. 210).<sup>1</sup> Having thoroughly considered the briefing and the relevant  
18 record, the Court DENIES Plaintiff's motions for the reasons explained herein.

19 The Court has described the facts and procedural history of this case in prior orders, (*see*,  
20 *e.g.*, Dkt. Nos. 80, 151, 164), and will not repeat them here. Plaintiff now asks the Court to (a)  
21 protect it from producing information to Defendant Public Service Insurance Company ("PSIC")  
22 regarding Plaintiff's treatment of settlements reached with other insurance companies (former  
23 defendants here) regarding the loss event currently at issue in this matter, (b) exclude testimony  
24 from PSIC's expert Robert Wood regarding the same, and (c) quash subpoenas *deuces tecum* to

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26 <sup>1</sup> Everest Insurance Company joins in Plaintiff's motion to quash. (See Dkt. No. 230.)

1 those settling companies regarding their treatment of those settlements. (See Dkt. Nos. 198 at 9–  
 2 14, 210 at 1–4.)

3 “Parties may obtain discovery regarding any nonprivileged matter that is relevant to any  
 4 party’s claim or defense and proportional to the needs of the case.” Fed. R. Civ. P. 26(b)(1).

5 Relevant information is “any matter that bears on, or that reasonably could lead to other matter[s]  
 6 that could bear on, any issue that is or may be in the case.” *Oppenheimer Fund, Inc. v. Sanders*,  
 7 437 U.S. 340, 351 (1978).

8 On a motion for a protective order, the Court “may, for good cause, issue an order to  
 9 protect a party or person from annoyance, embarrassment, oppression, or undue burden or  
 10 expense.” Fed. R. Civ. P. 26(c)(1). District courts are vested with broad discretion in determining  
 11 whether a protective order is appropriate and, if so, what degree of protection is warranted.

12 *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 36 (1984); *Phillips ex rel. Estate of Byrd v. Gen.*  
 13 *Motors Corp.*, 307 F.3d 1206, 1211–12 (9th Cir. 2002). The party seeking to limit discovery has  
 14 the burden of proving “good cause,” which requires a showing “that specific prejudice or harm  
 15 will result” if the protective order is not granted. *In re Roman Catholic Archbishop of Portland*  
 16 *in Or.*, 661 F.3d 417, 424 (9th Cir. 2011). Similarly, a district court may deny a motion to quash  
 17 or modify a subpoena if the moving party fails to show that compliance with the subpoena would  
 18 result in an undue burden. See Fed. R. Civ. P. 45(d)(3)(a)(iv).

19 Plaintiff fails to establish the prejudice, undue burden, or other harm (to Plaintiff or the  
 20 subpoena recipients) arising from production of the information PSIC seeks. Moreover,  
 21 Plaintiff’s argument that disclosure is premature is unavailing. Accordingly, the Court DENIES  
 22 Plaintiff’s motions (Dkt. Nos. 198, 210).<sup>2</sup>

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 26 <sup>2</sup> Plaintiff may renew its motion to exclude testimony from PSIC’s expert, Mr. Wood, prior to  
 trial. For now, though, the request is premature.

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2 DATED this 8th day of November 2024.  
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A handwritten signature in black ink, appearing to read "John C. Coughenour", is written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE